

## **REMARKS**

### **Interview Request**

Applicant respectfully requests the Examiner call Applicant's counsel at the number given below to schedule an interview to discuss the claims and the prior art when the present response is received by the Examiner.

### **Amendments**

#### ***Amendments to the Claims***

Applicant has cancelled independent claims 11, 15 and 20 and amended claims that were dependent upon one of the cancelled claims to depend on one of new independent claims 44-46. Further changes were made to conform the language of the amended dependent claims to the new independent claims. Independent claims 1, 25 and 33 have been amended to clarify that the devices on different networks can control each other. No new matter has been added as a result of these amendments.

#### ***New Claims***

Applicant has added independent 44-46 claims that claim the subject matter of cancelled independent claims 11, 15 and 20 using different terminology to refine the scope of the invention.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102(e)***

#### **Claims 1, 3-11, 15, 19, 20, 25-29, 33 and 35-43**

Claims 1, 3-11, 15, 19, 20, 25-29, 33 and 35-43 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shteyn, U.S. Patent No. 6,618,764. Claims 11, 15 and 20 have been cancelled and claims 44-46. Applicant respectfully submits that Applicant's invention as claimed in claims 1, 3-10, 19, 25-29, 33 and 35-46 is not anticipated by Shteyn.

Shteyn discloses a software environment running on a personal computer that connects dissimilar networks, such as a HAVi network of audio/video devices and a home network of X-10 controllers for appliances. The software environment on the PC

includes an application program interface (API) comprising a Reference Factory module, a Software Element Factory module and an Associations Container. A registration service executes on each network controller to store information about the devices on the network. In order for a HAVi device to control a home network device, a home API is created. Within the home API, the Reference Factory interfaces with the home network registration service to create references for the home network devices in the Associations Container. The Software Element Factory uses the references in the Associations Container to create software representations for the home network devices within the registration service for the HAVi network. The software representations may be COM (Component Object Model) objects. To control a home network device, a HAVi device interacts with the corresponding object in the HAVi network registration service. Similarly, in order for a home network device to control a HAVi device, a different API, including a separate Reference Factory module, a Software Element Factory module and an Associations Container, is created to populate the home network registration service with objects representing the HAVi devices.

Using claim 44 as an exemplary claim, Applicant claims a controller, a home network device, and an Internet Protocol network device. Both network devices are coupled to the controller. The invention claimed in claim 44 also comprises three application program interfaces: a first one that is compliant with a dedicated home audio/video network protocol and is part of the controller, a second one that is compliant with the dedicated home audio/video network protocol and is part of the home network device, and a third one that is compliant with both the dedicated home audio/video network protocol and with an Internet Protocol and is part of the Internet Protocol device. The Internet Protocol device also comprises a proxy that communicates with an application program on the Internet Protocol device and a server on the controller through the third application program interface to allow the Internet Protocol device and the home network device to control each other.

In the present Office Action, the Examiner has relied on Shteyn's claim 12 to reject Applicant's claims. Applicant respectfully reminds the Examiner that it is improper to rely on claims in the prior art in rejecting pending claims (*In re Benno*, 768 F.2d 1340, 226 U.S.P.Q. 683 (Fed. Cir. 1985)). In addition, the Examiner appears to be equating the

COM objects stored within Shteyn's registration services with Applicant's claimed proxy and Shteyn's home and HAVi APIs with Applicant's claimed application program interface that is compliant with both the home network, e.g., HAVi, protocol and the Internet Protocol.

Independent claims 1, 25, 33 and 44-46 each claim the proxy is part of an Internet Protocol device that can control a home network device. In contrast, Shteyn discloses that the COM objects representing devices on one network are stored within the registration service on the controller for the other network. In order to anticipate a claim, a prior art reference must disclose that the equivalent elements are arranged as claimed [MPEP 2131]. Because Shteyn's network controller control only devices on its own network, Shteyn's network controllers cannot be properly equated with Applicant's claimed Internet Protocol devices. Therefore, since Shteyn's COM objects are not stored on a device on one network that will control a device on a dissimilar network, Shteyn does not anticipate Applicant's claimed proxy.

Furthermore, independent claims 1, 25, 33 and 44-46 each claim a single API that is compliant with both a home audio/video network protocol and with an Internet Protocol to enable a device on one network and a device on another network to control each other. In contrast, Shteyn's APIs are unidirectional, i.e., each allows device on one network to control a device on a dissimilar network, but does not enable the reverse. To accomplish bi-directional cross-network control of devices, Shteyn requires two separate APIs, one for each network. Therefore, Shteyn does not teach or suggest Applicant's claimed single API that enables a device on one network and a device on another network to control each other.

Accordingly, Applicant respectfully submits that the invention claimed in claims 1, 3-10, 19, 25-29, 33 and 35-46 is not anticipated by Shteyn under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

### **SUMMARY**

Claims 1, 3-10, 19, 25-29, 33 and 35-46 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending

claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x 309.

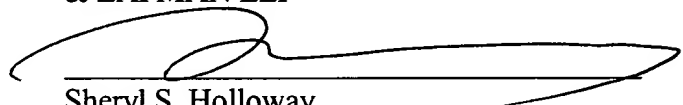
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

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